

Report on the

Board of Boilers and Pressure Vessels

Montgomery, Alabama



Department of Examiners of Public Accounts

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August 24, 2011

Senator Paul Bussman
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Senator Bussman,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Boilers and Pressure Vessels** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Boilers and Pressure Vessels**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones".

Ronald L. Jones
Chief Examiner

Examiner
Janet L. Berry

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PROFILE

Purpose/Authority

The Alabama Board of Boilers and Pressure Vessels was established effective July 1, 2000 by *Acts of Alabama*, act 2000-315 as part of a program to ensure the safety of boilers and pressure vessels operating in the state. The board functions as an advisory board to the Commissioner of Labor, who administers the program and who is also a member of the board. The program regulates the construction, installation, inspection, maintenance, and repairs of boilers and pressure vessels and certifies the competency of persons performing inspections of boilers and pressure vessels. Installers, operators or maintenance/service companies are not required to be licensed by the board. Statutory authority for the operations of the program is found in the *Code of Alabama 1975*, Sections 25-12-1 through 25-12-22.

<u>Board Characteristics</u>	
Members and Selection	Nine members consisting of the Commissioner of Labor (or his designee) and eight other members appointed by the commissioner. <i>Code of Alabama 1975 Section 25-12-3</i>
Term	Four-years staggered terms for members appointed by the Commissioner of Labor. The Commissioner of Labor (or his designee) serves ex officio. <i>Code of Alabama 1975 Section 25-12-3</i>
Qualifications	Of the eight appointed members, the majority must be registered, professional engineers when available, to include: <ul style="list-style-type: none">• One representative of owners and users of power boilers• One representative of owners and users of heating boilers• One representative of owners and users of pressure vessels• One representative of boiler and pressure vessel manufacturers• One representative of the crafts involved in the construction, repair, or operation of boilers and pressure vessels• One representative of the heating contractors• One representative of a company licensed to insure

	<p>and insuring in this state boilers and pressure vessels</p> <ul style="list-style-type: none"> • One representative of the public <p>The majority of board members must have experience in design, construction, inspection, repair, or operations of boilers and pressure vessels.</p> <p><i>Code of Alabama 1975 Section 25-12-3</i></p>
Racial Representation	<p>No statutory requirement. No minority race members.</p>
Geographical Representation	<p>No statutory requirement.</p>
Consumer Representation	<p>One member must represent the public. One public member is serving.</p> <p><i>Code of Alabama 1975 Section 25-12-3</i></p>
Other Representation	<p>No statutory requirement.</p>
Compensation	<p>The board's enabling statutes do not provide for compensation, for travel allowances or for reimbursement of travel expenses; however, all persons traveling in the service of the state are entitled to travel allowances and reimbursement of travel expenses at the rates provided for state employees.</p>
<u>Operations</u>	
Administrator	<p>Jim Bennett Commissioner, Department of Labor (No additional salary for board duties)</p> <p><i>Code of Alabama 1975 Section 25-12-3</i></p>
Location	<p>Department of Labor 100 North Union Street, Suite 630 Montgomery, AL 36130</p> <p>Office Hours: Monday through Friday 8 - 4:30</p>

Examinations	<p>The board requires successful completion of the National Board of Boiler and Pressure Vessel Inspectors (National Board) examination for certification of inspectors. Applicants pay examination fees directly to the testing agency.</p> <p><i>Code of Alabama 1975 Sections 25-12-10(a) and 25-12-11</i></p>										
Renewals	<p style="text-align: center;">Certificates of Operation (Issued by board after inspection)</p> <table border="1"> <tr> <th>Type</th><th>Renewal</th></tr> <tr> <td>Power boilers, high pressure, high temperature water boilers</td><td>Annual</td></tr> <tr> <td>Low pressure steam or vapor heating boilers</td><td>Biennial</td></tr> <tr> <td>Hot water heating and hot water supply boilers</td><td>Biennial</td></tr> <tr> <td>Pressure vessels</td><td>Annual</td></tr> </table> <p><i>Code of Alabama 1975 Section 25-12-14</i></p>	Type	Renewal	Power boilers, high pressure, high temperature water boilers	Annual	Low pressure steam or vapor heating boilers	Biennial	Hot water heating and hot water supply boilers	Biennial	Pressure vessels	Annual
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Certificates and Permits	<table border="1"> <tr> <th>Type of Certificate/Permit</th><th>Number Issued</th></tr> <tr> <td>Certificate of Competency* (Issued to inspectors)</td><td>121</td></tr> <tr> <td>Certificate of Operation** (Issued to owners/operators after inspection)</td><td>20,996</td></tr> <tr> <td>New Install Permits** (Issued to owners/operators after inspection)</td><td>1,214</td></tr> </table> <p>* Current as of 3/21/11 ** Issued from 6/26/08 until 3/21/11</p>	Type of Certificate/Permit	Number Issued	Certificate of Competency* (Issued to inspectors)	121	Certificate of Operation** (Issued to owners/operators after inspection)	20,996	New Install Permits** (Issued to owners/operators after inspection)	1,214		
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Reciprocity	<p>The board accepts an inspector's certificate of competency from another state if the applicant has been examined and is certified (commissioned) by the National Board of Boiler and Pressure Vessel Inspectors.</p> <p><i>Code of Alabama 1975 Section 25-12-10</i></p>										
Continuing Education	No requirement.										

Employees	Six merit system employees, including a Chief Inspector who also serves as the Chief Inspector of the Elevator Safety Review Board.
Legal Counsel	Jack Wallace, employee of the Office of the Attorney General
Subpoena Power	No statutory provision, except as provided for contested cases by authority of the state's Administrative Procedure Act.
Internet Presence	www.alalabor.state.al.us The Department of Labor website listed above provides links for the Board of Boilers and Pressure Vessels to include: <ul style="list-style-type: none"> • Message from the Chief Inspector • Board Member Information • Contact – Staff • Press Releases
Attended Board Member Training	Chief Inspector Division Secretary
<u>Financial</u>	
Source of Funds	Fees for Certificates of Operation, New Install Permits, and Re-Inspections
State Treasury	Yes
Required Distributions	All fees collected above the appropriated amount must be transferred to the General Fund at the end of each fiscal year beginning in Fiscal Year 2009. <i>(See Significant Issue 2011-01)</i> <i>Code of Alabama 1975 Section 25-12-18</i>
Unused Funds	Unused appropriated amounts are retained by the board.

SIGNIFICANT ISSUES

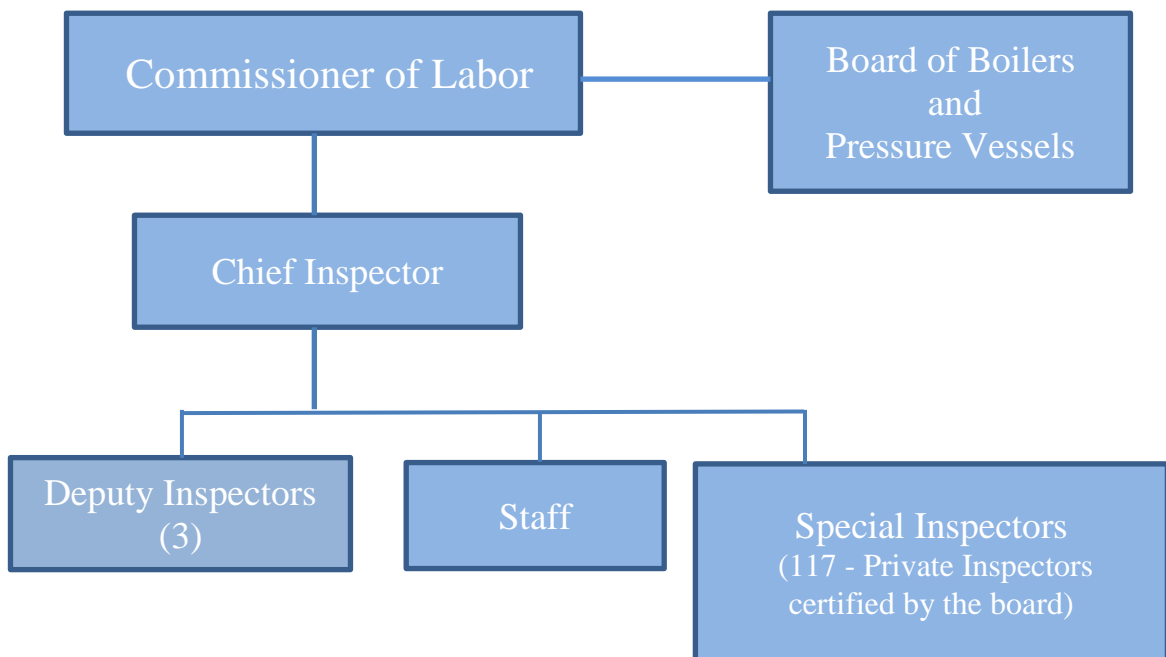
Significant Issue 2011-01

The Board did not transfer funds to the General Fund at the end of the fiscal year in a timely manner. Act 2009-26, effective March 10, 2009 amended the board's statutes, *Code of Alabama 1975*, Section 25-12-18 to require the board to transfer all fees collected above the appropriated amount to the General Fund at the end of each fiscal year. The fiscal year ends on September 30 of each year, and the Department of Finance closes out all end of fiscal year obligations before the end of the calendar year, after which no more transactions can be processed against the budget. The board did not make the required transfer to the General Fund for the fiscal year ended September 30, 2009 until August 31, 2010. The board also did not make the required transfer to the General Fund for the fiscal year ending September 30, 2010 until April 19, 2011. Consequently, the funds to be transferred were not timely made available to the General Fund for appropriation.

STATUS OF PRIOR SIGNIFICANT ISSUES/FINDINGS

All prior Significant Issues/Findings have been resolved.

ORGANIZATION



PERSONNEL

Title	Merit System	Number of Employees	Race	Gender
Chief Inspector	Classified	1	White	Male
Deputy Inspectors	Classified	3	White	Male
ASA I	Classified	1	Black	Female
ASA I	Classified	1	White	Male

** The Chief Inspector divides his time equally between the Board of Boilers and Pressure Vessels and the Elevator Safety Board. Both operate within the Alabama Department of Labor.*

Legal Counsel

Jack Wallace, Assistant Attorney General and employee of the Office of the Attorney General provides legal counsel to the board.

PERFORMANCE CHARACTERISTICS

Number of Persons per Inspector in Alabama and surrounding States

	Population	Inspectors	Persons per Certificate Holder
Alabama	4,779,736	120**	39,831
Florida	18,801,310	144	130,565
Georgia	9,687,653	234	41,400
Mississippi	2,967,297	78	38,042
Tennessee	6,346,105	42	151,098

** 2010 Census Bureau*

***As of March 3/30/11: One chief inspector (the chief inspector does not normally conduct inspections), three deputy inspectors, and 117 special inspectors - Alabama issues certificates of competency to qualified special (private) inspectors, all of whom are employed by insurance companies that insure boilers/pressure vessels in Alabama*

Operating Disbursements per Inspector – Fiscal Year 2010 - \$3,044.50

Notification to Certificate/Permit Holders of Board decisions to Amend Administrative Rules

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the *Administrative Monthly* and public hearings on proposed rules. Certificate or permit holders are not specially notified of proposed changes. Rules in effect are posted to the board's website and are kept up to date.

Inspections and Violations

Total Inspections	Inspectors	Inspections per Inspector
28,409*	120**	236*

**Inspection statistics 10/1/2007 through March 21, 2011*

Type	Inspection
Power boilers, high pressure, high temperature water boilers	Annual
Low pressure steam or vapor heating boilers	Biennial
Hot water heating and hot water supply boilers	Biennial
Pressure vessels	Annual

** In addition to three working inspectors who are board employees, the board has issued certificates of competency to 117 qualified special (private) inspectors, all of whom are employed by insurance companies that insure boilers/pressure vessels in Alabama. All inspectors report to the board.

When inspections are completed, the owner/installer is given a copy of the inspection report. The inspector sends the inspection report to the Department of Labor, where inspection and violation information is entered into the board's database. After data entry, an invoice for payment for the inspection and a violation notification letter (if necessary) are sent to the owner/installer. The owner/installer is allowed 30 days to correct any violations. The owner/installer is required to sign and date the violation notification letter, and return it along with the invoiced payment to the board offices. If a violation notification letter is not returned within 60 days, staff contacts the owner/installer periodically to determine if corrections were completed. In subsequent inspections, the inspector determines if the violations are corrected. A certificate of operation for the boiler or pressure vessel is not issued or renewed until the violations are corrected.

As of March 21, 2011, there were 2,185 recorded open violations.

COMPLAINT HANDLING

As of April 8, 2011, the board had received no complaints, and the process by which complaints are addressed by the board is conceptual only.

Initial Documentation	Complaint forms may be obtained from the Department of Labor's website or from the board's office upon request. Forms can be processed without being notarized, but complainants will be encouraged to do so.
Investigation	After an official complaint has been filed, the complaint will be stamped and entered into a log book. The complaint form will be given to the chief inspector for review. The inspector will submit the report to the Commissioner of Labor and the board members.
Informal Disposition	<p>The board currently has no adopted policy on informal disposition of complaints. However, informal settlement between the parties is authorized by the state's Administrative Procedure Act.</p> <p><i>Code of Alabama 1975, Section 41-22-12(f)</i></p>
Formal Hearings	<p>The board currently has no adopted policy regarding hearings on contested cases. However, the state's Administrative Procedure Act regarding procedures in contested cases would apply.</p> <p><i>Code of Alabama 1975, Sections 41-22-1 through 41-22-27</i></p>
Notification of Resolution of Complaint	Complainants will be notified in writing of the resolution of the complaint.

SMART GOVERNING

The state's SMART Governing program requires state agencies to create and implement performance goals and objectives. Goals are long-term, multi-year performance targets to be attained through accomplishment of a series of annual objectives. Progress toward accomplishment of the annual objectives for each agency is published on an Internet website created for that purpose.

The board's goals and objectives are presented as follows, along with the examiner's comments. The Department of Labor's SMART Quarterly Performance Reports for 2010 and 2011 fiscal years relative to the Board of Boilers and Pressure Vessels are included in the Appendices of this report.

2010 Performance Report				
Goal			Examiner's Comments	
Goal - Give at least 5 training seminars for elevator/boiler inspectors, contractor, and users with help from professional training organizations by FY 10.			Inappropriate goal. The goal is to be met within the current year which, by definition, is an objective rather than a goal. Goals are long-term, multi-year targets.	
Objective	Unit of Measure	Target	Reported Performance	Comment
Establish training seminars for elevator/boiler inspectors, contractor, and users with help from professional training organizations.	#	4	1	Invalid objective. The goal is for five training seminars by 2010, while the objective is for four training seminars in 2010.

2011 Performance Report				
Goal			Examiner's Comment	
Goal - Give at least 5 training seminars for elevator/boiler inspectors, contractor, and users with help from professional training organizations by FY 10.			Invalid goal. The 2011 goal is to be accomplished in 2010 (prior year). Goal is identical to 2010 goal.	
Objective	Unit of Measure	Target	Reported Performance	Comment
Number of training seminars	#	4	Year not yet complete	Invalid objective - Both the target and the goal are to be accomplished in 2010 (prior year). The goal is for five training seminars by 2010, while the objective is for four training seminars by 2010. Objective is identical to the 2010 objective.

FINANCIAL INFORMATION

Operating funds are provided by fees collected from owners/users of boilers and pressure vessels. The fees are deposited and disbursed from the State Treasury in Fund 0576 entitled Labor-Federal Funds. Although transactions for other purposes are also processed through the fund, the board's transactions are accounted for separately.

All fees collected above the board's appropriated amount must be transferred to the General Fund at the end of each fiscal year.

Schedule of Fees

The *Code of Alabama 1975*, Section 25-12-16, authorizes the board to set fees. With the exception of the non-inspection fine, the following fees are set by the board's Administrative Rule 490-X-2.02

<i>Fee</i>	<i>Description</i>	<i>Amount Authorized</i>	<i>Amount Collected</i>
Power boilers and high temperature water boilers inspections:	Boilers of 50 sq. ft. of heating surface or less	Determined by the board	\$60
	Boilers over 50 sq. ft. and less than 2000 sq. ft.	Determined by the board	\$90
	Boilers of 2000 sq. ft. or more	Determined by the board	\$120
Heating Boilers Inspection:	With Manhole	Determined by the board	\$90
	Without Manhole	Determined by the board	\$60
Pressure Vessels Inspection Fees:	50 sq. ft. or less	Determined by the board	\$60
	For each additional 100 sq. ft., or portions thereof, of area in excess of 50 sq. ft.	Determined by the board	\$10
Installation permit fee:	All pressure vessels	Determined by the board	\$50
	All boilers	Determined by the board	\$50
	All Alabama State Specials*	Determined by the board	\$75
Certificate of Inspection:	Power boilers and high pressure, high temperature water boilers	Determined by the board	\$50 annually
	Low pressure steam or vapor heating boilers	Determined by the board	\$50 biennially
	Hot water heating and hot water supply boilers	Determined by the board	\$50 biennially
	Pressure vessels	Determined by the board	\$10

Not Ready for Inspection	Owner, user, agent, or installer is responsible to ensure that the equipment is accessible and prepared for inspection and that the necessary personnel are available to the inspector as required. Failure to meet any of the above requirements will result in cancellation of the inspection and will cause the owner, user, agent, or installer to be charged a fee.	Determined by the board	\$100 per hour, including travel time for the inspector's time
Non-inspection Fine	Boilers and pressure vessels subject to operating certificate inspections by special inspectors shall be inspected within sixty (60) calendar days following the required re-inspection date. Inspections not performed within this sixty (60) calendar day period shall result in a fine of five hundred dollars (\$500) for each boiler or pressure vessel inspected. <i>Code of Alabama 1975, Section 25-12-16</i>	\$500	\$500
Special Inspection Fee	Special inspection fee, for purposes of any inspection performed by the State other than a regularly scheduled inspection.	Determined by the board	\$100
Boiler Database (FOIA) %	Fee may be waived if requested in portable document format (PDF) and delivered via email	Determined by the board	\$30

*Any boiler/pressure vessel that is of special design and cannot be constructed to the AMSE code. (Example: a vessel built in another country.)

%Freedom of Information Act

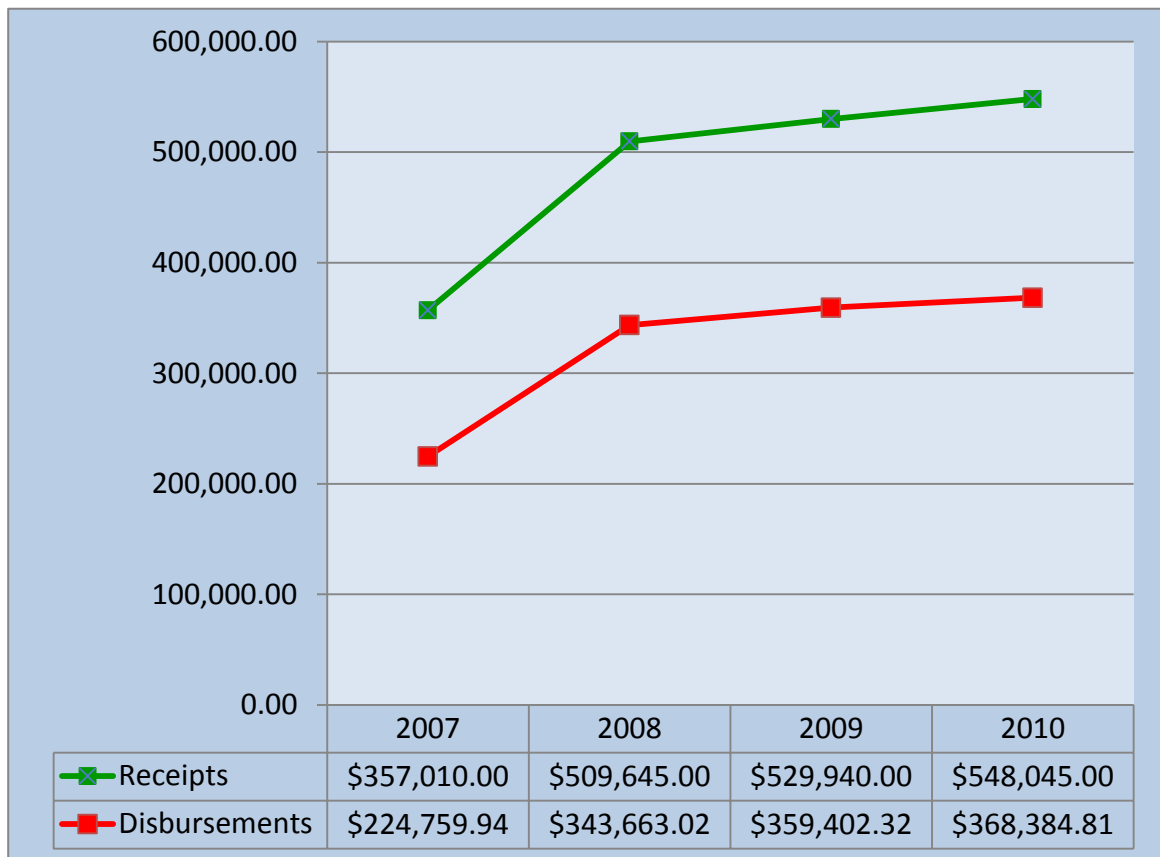
Schedule of Receipts, Disbursements, and Balances

October 1, 2006 through September 30, 2010

	2009-10	2008-09	2007-08	2006-07
<u>Receipts</u>				
Fees	\$548,045.00	\$529,940.00	\$509,645.00	\$357,010.00
<u>Disbursements</u>				
Personnel Costs	220,607.40	215,057.88	177,184.20	104,264.10
Employee Benefits	91,608.43	88,971.53	68,569.32	38,578.20
Travel In-State	13,604.15	19,318.08	24,273.39	10,850.58
Travel Out-of-State	-	-	-	2,472.64
Repairs and Maintenance	489.00	285.00	604.99	-
Rentals and Leases	13,792.85	9,493.42	13,231.99	13,080.64
Utilities and Communications	1,378.12	2,271.08	9,669.03	9,998.47
Professional Services	-	-	1,093.50	4,180.29
Supplies, Materials, and Operating	11,236.15	12,048.41	10,099.40	6,805.69
Transportation Equipment Operations	15,668.71	10,732.92	21,685.14	11,814.31
Transportation Equipment Purchases	-	-	15,511.00	18,797.00
Other Equipment Purchases	-	1,224.00	1,741.06	3,918.02
Total	368,384.81	359,402.32	343,663.02	224,759.94
Excess of Receipts over Disbursements	179,660.19	170,537.68	165,981.98	132,250.06
Cash Balance at Beginning of Year	722,439.20	551,901.52	385,919.52	253,669.46
Cash Balance at End of Year	902,099.39	722,439.20	551,901.50	385,919.52
Reserved for End-of-Year Obligations	(14,951.06)	(16,091.89)	(19,934.36)	(12,234.70)
Reserved for Transfer to General Fund (1)	(48,095.00)	(29,630.00)	-	-
Unreserved Cash Balance	\$857,518.33	\$706,347.31	\$531,967.14	\$373,684.82

(1) For the 2009 fiscal year, Act No. 2009-36 amended the *Code of Alabama 1975*, Section 25-12-18 to require all fees collected above the board's appropriated amount to be transferred to the General Fund at the end of each fiscal year,

Operating Receipts vs. Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were sent to all nine members of the Board of Boilers and Pressure Vessels of which seven responded. The percentages shown are based on the number who responded to the question.

1. What are the most significant issues currently facing the Board of Boilers and Pressure Vessels Board and how is the Board addressing these issues?

Board Member # 1: The most significant issues the Board faced have been addressed and resolved administratively or by legislative action. The Labor office is handling the day-to-day activities in a superior manner. The Board's main challenges are to be sure that continues to happen, to remain educated and informed on boiler safety issues throughout the world, to address any new issues that may come up, to keep the Board self-sufficient financially, and to ensure that boiler safety remains a priority in Alabama.

Board Member # 2: We had a meeting last year and have not heard anything since then.

Board Member # 3: Boiler and pressure vessel safety addressed by inspecting and licensing.

Board Member # 4: Need boiler inspector for Montgomery area.

Board Member # 5: The boiler inspection program as a whole seems to be a success. The greatest issue of the Board is to ensure that this continues to be the case. This requires a continued effort to make the public aware of the Boiler & Pressure Vessel program, the work of competent inspectors, and cooperation with the inspectors of the insurance companies that provide coverage to the end users with boilers and pressure vessels.

Board Member # 6: Maintaining public safety relating to pressure equipment is the purpose for existence. The inspections of boilers and pressure vessels in locations that normally are ignored is working to insure the safety of children in schools where boilers are used for heating, unaware restaurant patrons where steam tables are used to heat food, among other areas of danger.

Board Member # 7: No known issues.

Board Member Questionnaire

2. What changes to the Board of Boilers and Pressure Vessels' laws are needed?

Board Member # 1: The Board has not addressed any new needed changes in the laws in 2010. With all the focus on State finances, let's pray we don't need any changes in 2011 or 2012.

Board Member # 2: Do not know of any changes that are needed.

Board Member # 3: Utility and manufacturing needs to be included.

Board Member # 4: None.

Board Member #5: None.

Board Member # 6: None I am aware of.

Board Member # 7: Seems to be working fine.

3. Is the Board of Boilers and Pressure adequately funded?

Yes	5	71.4%
Unknown	1	14.3%
No Opinion	1	14.3%

Board Member # 1: See comment #1. The Board needs to remain financially independent (or better).

4. Is the Board of Boilers and Pressure Vessels adequately staffed?

Yes	3	42.9%
No	1	14.3%
Unknown	2	28.6%
No Opinion	1	14.3%

Board Member # 1: Keeping adequate boiler inspectors on staff throughout the State remains a day-to-day challenge which is being well handled by the Labor department.

Board Member # 4: Need another inspector.

Board Member Questionnaire

5. Does the Board receive regular reports on the operations from the chief administrative officer?

Yes	5	71.4%
No	1	14.3%
Unknown	1	14.3%

6. Has the Board experienced any significant changes to its operations?

Board Member # 2: When it first started we had a lot of input, but in the last several years we have had no input.

7. Does the Board plan any significant changes in its operations?

No	5	71.4%
Unknown	2	28.6%

Additional comments:

Board Member # 1: There are a lot of new congress members who may or may not be educated on Boiler Board activities. A near term challenge for the Labor Director, staff, and Board members is to inform our new State Senators and Representatives of these activities and the importance of them to public safety. Thank God Jim Bennett was re-appointed because that makes the job a lot easier!

Board Member # 2: It seems I was placed on a, none functional Board.

Board Member # 4: Good staff.

Inspector Questionnaire

Questionnaires were sent to eighty-seven inspectors of which nineteen responded. The percentages shown are based on the number who responded to the question.

1. Do you think regulation of your profession by the Board of Boilers and Pressure Vessels is necessary to protect the public welfare?

Yes	18	94.7%
No Opinion	1	5.3%

Respondent # 3: The oversight of the inspectors ultimately rests with the employer, who typically has, by far, the most to lose by loss of credentials.

Respondent # 4: Regulation is necessary to help ensure that all are aware of current changes and requirements.

Respondent # 16: Yes, in most production facilities production rules and without regulations safety would be bypassed to meet goals regardless of consequences.

2. Do you think any of the Board of Boilers and Pressure Vessels' laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	3	15.8%
No	16	84.2%

Respondent # 3: Mixed feelings about the prohibition of working for 2 employers at the same time. It appears that all clients with objects to be inspected are already clients of the inspection agency, not clients of the inspector, so there should not be issues with conflict of interest. I agree that there should NOT be freelance inspectors such as allowed by API 510

Respondent # 11: Not incorporating manufacturers in the registration and inspection process.

Respondent # 18: Yes, there are too many exemptions. I do not believe manufacturing locations should be exempt. What price do you put on safety?

3. Do you think any of the Board of Boilers and Pressure Vessels requirements are irrelevant to the competent practice of your profession?

Yes	1	5.3%
No	16	84.2%
No Opinion	2	10.5%

Inspector Questionnaire

Respondent # 3: I do believe the enforcement of the ASME CSD-1 Code is not being done properly in that it has been interpreted by some to mean it should apply to boilers that have been installed prior to the enactment of the law. CSD-1 is an installation code and not an inspection code and should not be enforced to the extent that it requires an owner to add controls and safety devices that were not required at the time of the initial installation of the boiler. This code should apply to new installations only. Compliance is also being made to apply to water heaters even though these are specifically excluded in ASME CSD-1.

Respondent # 5: Why is manufacturing excluded from the need to register? Law requires inspection but without registration how is it regulated?

4. Are you adequately informed by the Board of Boilers and Pressure Vessels of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	12	63.2%
No	5	26.2%
Unknown	1	5.3%
No Opinion	1	5.3%

Respondent # 3: I can't say that I have been made aware of any changes that have been made since the law went into effect.

Respondent # 5: A synopsis of all meetings should be e-mailed to a subscriber's list or an internet posting system should be developed.

Respondent # 12: I have never been informed of any changes, but then again I don't know if there have been changes.

Respondent # 16: Company management probably is but they don't get the word out to their inspectors as well as they should.

5. Was your inspection performed in a timely manner?

Yes	10	52.6%
Unknown	2	10.5%
No Opinion	7	36.8%

Respondent # 3: I am an inspector, not an object owner

Respondent # 4: Inspections are performed in a timely manner. I do believe the state inspectors may be too quick to try to do overdue inspections by not giving

Inspector Questionnaire

sufficient time within the allowed grace period for the insurance companies to conduct the inspections.

Respondent # 13: Not sure what inspection being referred to.

Respondent # 15: I am the inspector.

Respondent # 17: I have not done an inspection.

6. What do you think the most significant issue(s) currently facing the safety/operation of boiler/pressure vessels today?

Respondent # 1: STATE NO WILLING TO WORK WITH PEOPLE AND BE MORE UNDERSTANDING. IT'S MY WAY OR NO WAY WITH THE STATE.

Respondent # 2: The economy is causing people who own boilers and pressure vessels to cut corners in maintenance.

Respondent # 3: Proper LOTO and isolation of objects for confined space entry. Next significant is LWCO device testing frequencies

Respondent # 4: Proper education of the owners and operators regarding the safe operation and maintenance of boilers is a necessity. I try to assist the owners in this at each inspection conducted.

Respondent # 5: Why is manufacturing excluded from the need to register? Law requires inspection but without registration how is it regulated?

Respondent # 6: Operator training

Respondent # 7: un-qualified or pushy operators

Respondent # 8: Age of equipment

Respondent # 9: Making the owners aware of changes in the laws and rules.

Respondent # 10: Untrained/Unqualified Personnel operating Boilers and/or Pressure Vessels.

Respondent # 11: Owners not understanding how the laws work and why the laws are in place. Also owners and users are not educated enough as to their responsibilities to the public in owning and operating a boiler and/or pressure vessel.

Inspector Questionnaire

Respondent # 12: Enforcement.

Respondent # 13: Lack of training for boiler operators. Way too many don't know much more that how to shut the boiler down in case of trouble.

Respondent # 14: Maintenance

Respondent # 15: Age, operating condition.

Respondent # 16: Proper installation of CODE required safety devices, proper testing these safety devices, annual internal inspections of high pressure steam boilers and overall safe operation of all boilers and pressure vessels.

Respondent # 17: Laws consistent across all states.

Respondent # 18: Lack of proper maintenance.

Respondent # 19: Lack of adequate support from the State Legislature

7. What is the board doing to address the issue?

Respondent # 1: NOTHING.

Respondent # 2: The board is the only group that can control this problem.

Respondent # 3: Issues are adequately addressed, but owners do not always comply

Respondent # 4: Unknown. Annual meetings open to inspectors, operators, repair concerns, the general public and other such interested parties would certainly be beneficial.

Respondent # 5: Nothing that I am aware. Legislative action required.

Respondent # 6: Regular inspection of boilers will hopefully educate operators.

Respondent # 7: nothing as far as I know

Respondent # 8: ?

Respondent # 9: Letters via US Mail.

Inspector Questionnaire

Respondent # 10: Unknown

Respondent # 11: Have not heard.

Respondent # 12: unknown

Respondent # 13: Nothing that I am aware of.

Respondent # 14: Inspections

Respondent # 15: Inspections.

Respondent # 16: Continuing education regarding the safe operation of boilers & pressure vessels in the interest of life safety and minimizing property damage.

Respondent # 17: I have no idea.

Respondent # 16: We strive to impress upon operators and maintenance personnel the importance of timely maintenance.

Respondent # 19: unknown

8. Please make any additional comments you may have regarding the regulation of boiler/pressure vessels.

Respondent # 2: The regulation of boiler and pressure vessels is a proven way to maintain safety.

Respondent # 5: If the legislature does not see the need to regulate all boilers and pressure vessels the current law should be done away.

Respondent # 7: Certified hydrostatic testing of vessels. especially boilers

Respondent # 9: The State of Alabama is doing a great job of regulating boilers and pressure vessels.

Respondent # 10: Manufacturing Exemption should be removed from the Boiler/Pressure Vessel Act.

Respondent # 13: Progress being made... not a perfect program yet but getting there.

Inspector Questionnaire

Respondent # 16: It is obvious that safety has improved in the field of boiler & pressure vessels since the National Board was originally established.

Respondent # 19: I support the AL boiler laws and regulations. And I support the Board. Oversight by the State is a necessary activity to preclude installation or operation of boiler and pressure vessels.

Owner/User Questionnaire

Questionnaires were sent to one hundred owner/users of which twenty responded. The percentages shown are based on the number who responded to the question.

1. Do you believe that state regulation of the boilers/pressure vessels is necessary for the protection of the public welfare?

Yes	16	80.0%
No	1	5.0%
No Opinion	3	15.0%

Respondent # 1: WE DON'T HAVE ANY BOILERS OR PRESSURE VESSELS. NOT SURE WHY WE GOT THIS LETTER.

Respondent # 9: With the extreme dangers involved with the operation of Steam and pressure boilers. I think it's a very important to regulate and inspect boilers and vessels throughout the state. With the amount of pressures and rates of heating BTU's these can very easily become very explosive if not maintained correctly. And I think this is where the State regulatory and inspection comes in. to ensure proper operations.

2. Do you think any of the Board of Boilers and Pressure Vessels' laws, rules, and policies are an unnecessary restriction on the ability to operate a boiler and/or pressure vessel?

Yes	1	5.0%
No	13	65.0%
Unknown	2	10.0%
No Opinion	4	20.0%

Respondent # 1: WE DON'T HAVE ANY BOILERS OR PRESSURE VESSELS. NOT SURE WHY WE GOT THIS LETTER.

Respondent # 9: Extreme and very tight regulations should be in place to keep the boilers and vessels in the state operating at complete safety conditions.

3. Are you adequately informed by the board of changes to and interpretations of board positions, policies, rules, and laws?

Yes	6	30.0%
No	8	40.0%
Unknown	4	20.0%
No Opinion	2	10.0%

Owner/User Questionnaire

Respondent # 1: WE DON'T HAVE ANY BOILERS OR PRESSURE VESSELS. NOT SURE WHY WE GOT THIS LETTER.

Respondent # 3: I suggest that the College should be informed of changes to policies and laws concerning this issue.

Respondent # 9: A lot of information is continually sent concerning changes and regulations.

4. Was your inspector?

Knowledgeable	1	5.0%
Both	14	70.0%
No Response	5	25.0%

Respondent # 1: DON'T HAVE ANY BOILERS OR PRESSURE VESSELS. NOT SURE WHY WE GOT THIS LETTER.

Respondent # 4: Risk Management has Traveler's Insurance to inspect.

5. Has the Board of Boilers and Pressure Vessels performed your certification in a timely manner?

Yes	15	75.0%
No	1	5.0%
Unknown	1	5.0%
No Opinion	3	15.0%

Respondent # 1: WE DON'T HAVE ANY BOILERS OR PRESSURE VESSELS. NOT SURE WHY WE GOT THIS LETTER.

Respondent # 4: I am not aware of their inspections.

Respondent # 9: On my complex the inspector was very thorough with his inspection and was always right on time and in follow ups was there when he said he would return for follow ups we needed.

6. What do you think the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

Respondent # 1: WE DON'T HAVE ANY BOILERS OR PRESSURE VESSELS. NOT SURE WHY WE GOT THIS LETTER.

Respondent # 2: No opinion.

Owner/User Questionnaire

Respondent # 3: I do not have the knowledge to determine the most significant issue at this time.

Respondent # 4: No opinion.

Respondent # 5: N/A

Respondent # 6: Not enough training for boilers.

Respondent # 7: Finances. The board is looking at all aspects of reducing expenditures.

Respondent # 8: putting out the info needed to the business is not very good.

Respondent # 9: Boiler age and without inspection I could not be able to recognize problems and keep contractors on top of serious repairs when needed

Respondent # 10: The board is not helping us. It seems the board just wanted a reason to levy a fee on our industry. We do not have any boilers but our water heaters were reclassified and had to be inspected

Respondent # 11: NA

Respondent # 12: No Comment.

Respondent # 13: No comment

Respondent # 14: No issues

Respondent # 15: Feel the board is doing a good job addressing the issues and currently have no issues, at this time.

Respondent # 16: No comment

Respondent # 17: No comment

Respondent # 18: No opinion

Respondent # 19: No comment

Respondent # 20: Unknown

Owner/User Questionnaire

7. Do you think the Board of Boilers and Pressure Vessels and their staff is satisfactorily performing their duties?

Yes	14	70.0%
No	1	5.0%
Unknown	1	5.0%
No Opinion	4	20.0%

Respondent # 1: WE DON'T HAVE ANY BOILERS OR PRESSURE VESSELS. NOT SURE WHY WE GOT THIS LETTER.

Respondent # 9: I have on my complex several very old boilers and when inspected the inspector was most thorough in his inspection and very informative concerning inspection procedures.

8. Has any member of the Board of Boilers and Pressure Vessels or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing the Board's service for you?

Yes	0	0.0%
No	20	100.0%

Respondent # 1: WE DON'T HAVE ANY BOILERS OR PRESSURE VESSELS. NOT SURE WHY WE GOT THIS LETTER.

9. Please make additional comments you may have regarding the regulation of boiler/pressure vessels.

Respondent # 1: WE DON'T HAVE ANY BOILERS OR PRESSURE VESSELS. NOT SURE WHY WE GOT THIS LETTER.

Respondent # 2: I do not see the need in regulating the water heaters used in the nursing homes. I'm sure there is a need to regulate the larger units used in large manufacturing companies.

Respondent # 3: No additional comments at this time.

Respondent # 6: No comments

Respondent # 9: In my opinion without inspectors we would have troubles in many buildings in the state and more than likely we would have dangerous conditions unaddressed if not for inspectors.

Owner/User Questionnaire

Respondent # 16: This is a good and necessary check that needs to be done for safety.

APPENDICES

Smart Performance Reports

Thursday, November 18, 2010
EBO Form 10

FY 10 SMART Quarterly Performance Report Basic Agency

Page 3 of 6

Agency: 039 - Labor, Department				Program: 021 - REGULATORY SERVICES							
Organization: -				Activity: -							
Key Goal:											
Goal 2	Give at least 5 training seminars for elevator/boiler inspectors, contractors and users with help from professional training organizations by FY10								Governor's Priority:	4	
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(O1-Quality) Establish training seminars for elevator/boiler inspectors, contractors & users with help from professional training organizations	#	1	0	1	0	1	0	1	1	4	1

FY 11 SMART Operations Plan Basic Format

Agency: 039 - Labor, Department				Program: 021 - REGULATORY SERVICES							
Organization: -				Activity: -							
Key Goal:											
Goal 2	Give at least 5 training seminars for elevator/boiler inspectors, contractors and users with help from professional training organizations by FY10								Governor's Priority:	4	
Strategies:											
Strategy 1:	Our plan is to hold these seminars quarterly for those individuals needing additional training										
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual *	Target	Actual *	Target	Actual *	Target	Actual *	Target	Actual *
(O1-Quality) # of training seminars	#	1		1		1		1		4	
* Actual performance data is not currently available for this quarter.											
Critical Issues (Optional)				Category		Critical Issues Strategies					

Statutory Law

CHAPTER 12. THE BOILER AND PRESSURE VESSEL SAFETY ACT.

Current through the end of the 2010 Regular Session.

§ 25-12-1. Short title.

This chapter shall be known and may be cited as the "Boiler and Pressure Vessel Safety Act" and, except as otherwise provided in this chapter, shall apply to all boilers and pressure vessels.

CREDIT(S) (Act 2000-315, p. 488, § 1.)

§ 25-12-2. Definitions.

As used in this chapter, the following terms shall have the following meanings:

(1) Board. The Board of Boilers and Pressure Vessels.

(2) Boiler. A closed vessel in which water or other liquid is heated, steam or vapor is generated, or steam is superheated, or in which any combination of these functions is accomplished, under pressure or vacuum, for use externally to itself, by the direct application of energy from the combustion of fuels or from electrical, solar, or nuclear energy. The term "boiler" shall include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The term "boiler" is further defined to include any of the following terms:

a. Heating boiler. A steam or vapor boiler operating at pressures not exceeding 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees Fahrenheit.

b. High pressure, high temperature water boiler. A water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.

c. Power boiler. A boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

(3) Certificate of inspection. An inspection, the report of which is used by the chief inspector to determine whether or not a certificate as provided by subsection (c) of Section 25-12-15 may be issued.

(4) Commissioner. The Commissioner of Labor.

(5) Department. The Department of Labor.

(6) Pressure vessel. A vessel other than those vessels defined in subdivision (2) in which the pressure is obtained from an external source or by the application of heat.

CREDIT(S) (Act 2000-315, p. 488, § 2.)

§ 25-12-3. Board of Boilers and Pressure Vessels.

There is created within the Department of Labor a Board of Boilers and Pressure Vessels, which shall be referred to in this chapter as the board. The board shall consist of nine members, the majority of whom shall have experience in design, construction,

inspection, repair, or operation of boilers or pressure vessels. Eight of these members shall be citizens of this state and appointed by the Commissioner of Labor, two for a term of one year, two for a term of two years, two for a term of three years, and two for a term of four years. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. At the expiration of their respective terms of office, they or their successors identifiable with the same interest respectively as provided in this chapter shall be appointed for terms of four years each. The commissioner may at any time remove any member of the board for inefficiency or neglect of duty in office. Upon the death or incapacity of any member, the commissioner shall fill the vacancy for the remainder of the unexpired term with a representative of the same interests with which his or her predecessor was identified. Of these eight appointed members, the majority of whom shall be registered professional engineers when available, one shall be a representative of owners and users of power boilers having experience with the boilers; one shall be a representative of owners and users of heating boilers; one shall be a representative of owners and users of pressure vessels having experience with the vessels; one shall be a representative of boiler or pressure vessel manufacturers; one shall be a representative of the crafts involved in the construction, repair, or operation of boilers or pressure vessels; one shall be a representative of the heating contractors; one shall be a representative of a company licensed to insure and insuring in this state boilers and pressure vessels; and one shall represent the public, for example, a mechanical engineer on the faculty of a recognized engineering college within the state or a licensed professional engineer. The ninth member of the board shall be the commissioner or his or her designee. CREDIT(S) (Act 2000-315, p. 488, § 3; Act 2008-143, p. 230, § 3; Act 2009-26, p. 85, § 3.)

§ 25-12-4. Rules and regulations.

(a)(1) The department, with the advice of the board, shall formulate definitions, rules, and regulations for the safe construction, installation, inspection, maintenance, and repair of boilers and pressure vessels in this state.

(2) The definitions, rules, and regulations formulated for new construction shall be based upon and at all times follow the generally accepted nationwide engineering standards, formulas, and practices established and pertaining to boiler and pressure vessel construction and safety. The department, with the advice of the board, may adopt an existing published codification, known as the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, with the amendments and interpretations made and approved by the council of the society, and may adopt the amendments and interpretations subsequently made and published by the same authority. When adopted, the codification shall be deemed to be incorporated into and shall constitute a part of the definitions, rules, and regulations of the department. Amendments and interpretations to the code shall be effective immediately upon being promulgated, to the end that the definitions, rules, and regulations shall at all times follow the generally accepted nationwide engineering standards.

(3) The department, with the advice of the board, shall formulate the rules and

regulations for the inspection, maintenance, and repair of boilers and pressure vessels which were in use in this state prior to the date upon which the first rules and regulations under this chapter pertaining to existing installations become effective or during the 12-month period immediately thereafter. The rules and regulations shall be based upon and at all times follow generally accepted nationwide engineering standards and practices and may adopt the applicable sections of the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors or API 510 of the American Petroleum Institute.

(b) The rules and regulations and any subsequent amendments formulated by the department shall be adopted pursuant to the Alabama Administrative Procedure Act, except the board shall allow a hearing by interested parties prior to adoption. The rules when promulgated shall have the force and effect of law, except that the rules applying to the construction of new boilers and pressure vessels shall not become mandatory until 12 months after their promulgation by the department. Notice of the hearing shall give the time, the place, and state the matters to be considered at the hearing.

(c) Subsequent amendments to the rules and regulations adopted by the department shall be permissive immediately and shall become mandatory 12 months after their promulgation.

CREDIT(S) (Act 2000-315, p. 488, § 4.)

§ 25-12-5. Installation and operation to conform with rules and regulations.

No boiler or pressure vessel which does not conform to the rules and regulations of the department governing new construction and installation shall be installed and operated in this state after 12 months from the date upon which the first rules and regulations under this chapter pertaining to new construction and installation shall have become effective, unless the boiler or pressure vessel is of special design or construction and is not inconsistent with the spirit and safety objectives of the rules and regulations, in that event, a special installation and operating permit may be granted by the department.

CREDIT(S) (Act 2000-315, p. 488, § 5.)

§ 25-12-6. Maximum allowable working pressure.

(a) The maximum allowable working pressure of a boiler carrying the ASME Code symbol or of a pressure vessel carrying the ASME or API-ASME symbol shall be determined by the applicable sections of the code under which it was constructed and stamped. Subject to the concurrence of the enforcement authority at the point of installation, the boiler or pressure vessel may be rerated in accordance with the rules of a later edition of the ASME Code and in accordance with the rules of the National Board Inspection Code or API 510, as applicable.

(b) The maximum allowable working pressure of a boiler or pressure vessel which does not carry the ASME or the API-ASME Code symbol shall be computed in accordance with the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

(c) This chapter shall not be construed to prevent the use, the sale, or the reinstallation of a boiler or pressure vessel referred to in this section, provided it has

been made to conform to the rules and regulations of the board governing existing installations and has not been found upon inspection to be in an unsafe condition.
CREDIT(S) (Act 2000-315, p. 488, § 6.)

§ 25-12-7. Exceptions

(a) This chapter shall not apply to the following boilers and pressure vessels:

(1) Boilers and pressure vessels under federal control or under regulations of Title 49 of the Code of Federal Regulations, Parts 192 and 193.

(2) Pressure vessels used for transportation and storage of compressed or liquefied gases when constructed in compliance with specifications of the United States Department of Transportation and when charged with gas or liquid, marked, maintained, and periodically requalified for use, as required by appropriate regulations of the United States Department of Transportation.

(3) Pressure vessels located on vehicles operating under the rules of other state or federal authorities and used for carrying passengers or freight.

(4) Air tanks installed on the right of way of railroads and used directly in the operation of trains.

(5) Pressure vessels that do not exceed any of the following weights and measures:

a. Five cubic feet in volume and 250 psig pressure.

b. One and one-half cubic feet in volume and 600 psig pressure.

c. An inside diameter of six inches with no limitation on pressure.

(6) Pressure vessels having an internal or external working pressure not exceeding 15 psig with no limit on size.

(7) Pressure vessels with a nominal water containing capacity of 120 gallons or less for containing water under pressure, including those containing air, the compression of which serves only as a cushion.

(8) Pressure vessels containing water heated by steam or any other indirect means when none of the following limitations are exceeded:

a. A heat input of 200,000 BTU per hour.

b. A water temperature of 210 degrees Fahrenheit.

c. A nominal water containing capacity of 120 gallons.

(9) Hot water supply boilers, equipped with ASME-National Board approved safety relief valves, which are directly fired with oil, gas, or electricity when none of the following limitations are exceeded:

a. Heat input of 200,000 BTU per hour.

b. Water temperature of 210 degrees Fahrenheit.

c. Nominal water containing capacity of 120 gallons.

(10) Pressure vessels in the care, custody, and control of research facilities and used solely for research purposes which require one or more details of noncode construction or which involve destruction or reduced life expectancy of those vessels.

(11) Pressure vessels or other structures or components that are not considered to be within the scope of ASME Code, Section VIII.

(12) Boilers and pressure vessels operated and maintained for the production

and generation of electricity. A person, firm, partnership, or corporation operating such a boiler or pressure vessel shall have insurance or shall be self-insured. The boiler or pressure vessel shall be regularly inspected in accordance with the minimum requirements for safety as defined in the ASME Code by an inspector who has been issued a certificate of competency by the commissioner in accordance with Section 25-12-10.

(13) Boilers and pressure vessels operated and maintained as a part of a manufacturing process. A person, firm, partnership, or corporation operating such a boiler or pressure vessel shall have insurance or shall be self-insured.

(14) Boiler or pressure vessels that are subject to OSHA standards of compliance.

(15) Boilers and pressure vessels operated and maintained by a public utility, including, but not limited to, boilers and pressure vessels operated and maintained for the production of electricity.

(16) Autoclaves used only for the sterilization of reusable medical or dental implements in the place of business of any professional licensed by the laws of this state.

(b) The following boilers and pressure vessels shall be exempt from the requirements of subsections (b), (c), and (d) of Section 25-12-14 and Sections 25-12-15 and 25-12-16:

(1) Boilers or pressure vessels located on farms and used solely for agricultural or horticultural purposes.

(2) Heating boilers or pressure vessels which are located in private residences or in apartment houses of less than six family units.

(3) Any pressure vessel used as an external part of an electrical circuit breaker or transformer.

(4) Pressure vessels on remote oil or gas-producing lease locations that have fewer than 10 buildings intended for human occupancy per 0.25 square mile and where the closest building is at least 220 yards from any vessel.

(5) Pressure vessels used for storage of liquid propane gas under the jurisdiction of the state fire marshal, except for pressure vessels used for storage of liquefied petroleum gas, 2,000 gallons or above, which have been modified or altered.

(6) Air storage tanks not exceeding 16 cubic feet, 120 gallons, in size and under 250 psig pressure.

(7) This chapter exempts and shall not regulate any and all pressure vessels associated in any way with oil, natural gas, and related by-products, feedstock, and product manufacturing operations; including exploration, production, gas processing, treating refining chemical, pipeline, supply, storage, and transportation. This subdivision shall not apply to buildings or businesses, or both, subject to public utilization.

CREDIT(S) (Act 2000-315, p. 488, § 7.)

§ 25-12-8. Chief inspector.

(a) The commissioner may appoint as chief inspector a citizen of this state who at the time of the appointment shall have not less than five years' experience in the

construction, installation, inspection, operation, maintenance, or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and who shall pass the same type of examination prescribed under Section 25-12-11. The chief inspector may be removed for cause after due investigation by the board and its recommendation to the commissioner.

(b) The chief inspector, if authorized by the commissioner, shall be charged, directed, and empowered to do all of the following:

(1) To take action necessary for the enforcement of the laws of the state governing the use of boilers and pressure vessels to which this chapter applies and of the rules and regulations of the department.

(2) To keep a complete record of the name of each owner or user and his or her location and, except for pressure vessels covered by an owner or user inspection service, the type, dimensions, maximum allowable working pressure, age, and the last recorded inspection of all boilers and pressure vessels to which the chapter applies.

(3) To publish and make available to anyone requesting them copies of the rules and regulations promulgated by the department.

(4) To issue or to suspend or revoke for cause inspection certificates as provided for in Section 25-12-15.

(5) To cause the prosecution of all violators of this chapter.

CREDIT(S) (Act 2000-315, p. 488, § 8.)

§ 25-12-9. Deputy inspectors.

The commissioner may employ deputy inspectors who shall be responsible to the chief inspector. A deputy inspector at the time of appointment shall have three years of experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector. A deputy inspector shall pass the examination provided for in Section 25-12-11.

CREDIT(S) (Act 2000-315, p. 488, § 9.)

§ 25-12-10. Special inspectors.

(a) In addition to the deputy inspectors authorized by Section 25-12-9, the commissioner, upon the request of any company licensed to insure and insuring in this state boilers and pressure vessels, or upon the request of any company operating pressure vessels in this state for which the owner or user maintains a regularly established inspection service which is under the supervision of one or more technically competent individuals whose qualifications are satisfactory to the department and causes the pressure vessels to be regularly inspected and rated by the inspection service in accordance with applicable provisions of the rules and regulations adopted by the department pursuant to Section 25-12-4, shall issue to each inspector of the insurance company a certificate of competency as a special inspector and to each inspector of the company operating a pressure vessel a certificate of competency as owner or user inspectors. Each inspector before receiving his or her certificate of competency shall satisfactorily pass the examination provided for by Section 25-12-11 or, in lieu of the

examination, shall hold a commission or a certificate of competency as an inspector of boilers or pressure vessels from a state that has a standard of examination substantially equal to that of this state, or a commission as an inspector of boilers and pressure vessels issued by the National Board of Boiler and Pressure Vessel Inspectors. A certificate of competency as an owner or user inspector shall be issued to an inspector of a company operating pressure vessels in this state only if, in addition to meeting the requirements stated in this section, the inspector is employed full time by the company and is responsible for making inspections of pressure vessels used or to be used by the company and which are not for resale.

(b) The expenses or salary of special inspectors or owner or user inspectors shall not be paid by the state. The continuance of their certificates of competency shall be conditioned upon the special inspectors or owner or user inspectors continuing in the employ of the boiler insurance company or in the employ of the company operating pressure vessels in this state and upon their maintenance of the standards imposed by this chapter.

(c) The special inspectors or owner or user inspectors may inspect all boilers and pressure vessels insured or all pressure vessels operated by their respective companies. When inspected, the owners and users of the boilers and pressure vessels shall be exempt from the payment to the state of the inspection fees as prescribed in rules and regulations promulgated by the commissioner.

CREDIT(S) (Act 2000-315, p. 488, § 10.)

§ 25-12-11. Examination of inspectors.

The examination for chief, deputy, special, or owner or user inspectors shall be in writing and shall be held by the board or by an examining board appointed in accordance with the requirements of the National Board of Boiler and Pressure Vessel Inspectors, with at least two members present at all times during the examination. The examination shall be confined to questions the answers to which shall aid in determining the fitness and competency of the applicant for the intended service and may be those prepared by the National Board of Boiler and Pressure Vessel Inspectors. If an applicant fails to pass the examination, the applicant may appeal to the board for another examination which shall be given by the board after 90 days. The record of an applicant's examination shall be accessible to the applicant and employer of the applicant.

CREDIT(S) (Act 2000-315, p. 488, § 11.)

§ 25-12-12. Certificate of competency--Suspension, hearing, reinstatement.

(a) An inspector's certificate of competency may be suspended by the commissioner after investigation and recommendation by the board for the incompetence or untrustworthiness of the holder of the certificate, for willful falsification of any matter or statement contained in the application of the inspector, or in a report of any inspection he or she made. Written notice of any suspension shall be given by the commissioner within 10 days of the suspension to the inspector and the employer of the inspector. A person whose certificate of competency has been suspended shall be entitled to an appeal to the board pursuant to Section 25-12-19 and shall be present in

person and may be represented by counsel at the hearing of the appeal.

(b) If the board believes that an inspector is no longer qualified to hold his or her certificate of competency, the board, upon 10 days' written notice to the inspector and the employer of the inspector, shall hold a hearing at which the inspector and his or her employer shall have an opportunity to be heard. If, as a result of the hearing, the board shall find that the inspector is no longer qualified to hold his or her certificate of competency, the board shall recommend to the commissioner that the certificate of competency be revoked and the commissioner shall immediately revoke the certificate of competency.

(c) A person whose certificate of competency has been suspended shall be entitled to apply, after 90 days from the date of the suspension, for reinstatement of the certificate of competency.

CREDIT(S) (Act 2000-315, p. 488, § 12.)

§ 25-12-13. Certificate of competency--Replacement upon loss or destruction.

If a certificate of competency is lost or destroyed, a new certificate of competency shall be issued without further examination.

CREDIT(S) (Act 2000-315, p. 488, § 13.)

§ 25-12-14. Certificate inspection.

(a) The commissioner, the chief inspector, or any deputy inspector shall have free access, during reasonable hours, to any premises in the state where a boiler or pressure vessel is being constructed for use in, or is being installed in, this state for the purpose of ascertaining whether the boiler or pressure vessel is being constructed and installed in accordance with the provisions of this chapter.

(b)(1) On and after January 1, 2002, each boiler and pressure vessel used or proposed to be used within this state, except for pressure vessels covered by an owner or user inspection service as described in subsection (d) or except for boilers or pressure vessels exempt under Section 25-12-7, owners and users may request to waive this exemption, shall be thoroughly inspected as to their construction, installation, and condition as follows:

a. Power boilers and high pressure, high temperature water boilers shall receive a certificate inspection annually which shall be an internal inspection where construction permits; otherwise it shall be as complete an inspection as possible. The boilers shall also be externally inspected while under pressure, if possible.

b. Low pressure steam or vapor heating boilers shall receive a certificate inspection biennially with an internal inspection every four years where construction permits.

c. Hot water heating and hot water supply boilers shall receive a certificate inspection biennially with an internal inspection at the discretion of the inspector.

d. Pressure vessels subject to internal corrosion shall receive a certificate inspection every three years with an internal inspection at the discretion of the inspector. Pressure vessels not subject to internal corrosion shall receive a

certificate of inspection at intervals set by the board.

e. Nuclear vessels within the scope of this chapter shall be inspected and reported in the form and with the appropriate information as designated by the board.

(2) A grace period of two months beyond the periods specified in paragraphs a. and b. of subdivision (1) may elapse between certificate inspections.

(3) The department may provide for longer periods between certificate inspection in its rules and regulations.

(4) Pursuant to this chapter, the department shall be responsible for providing for the safety of life, limb, and property and shall have jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules and regulations which it has promulgated. The person conducting the inspection during construction and installation shall certify as to the minimum requirements for safety as defined in the ASME Code. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions, which shall include all of the following:

a. Previous experience, based on records of inspection, performance, and maintenance.

b. Location, with respect to personnel hazard.

c. Quality of inspection and operating personnel.

d. Provision for related safe operation controls.

e. Interrelation with other operations outside the scope of this chapter.

(5) The board may permit variations in the inspection requirements based upon documentation of the actual service conditions by the owner or user of the operating equipment.

(c) The inspections required in this chapter shall be made by the chief inspector, by a deputy inspector, by a special inspector, or by an owner or user inspector provided for in this chapter.

(d) Owner or user inspection of pressure vessels shall be permitted. The owner or user inspection service shall be regularly established, and shall be under the supervision of one or more individuals whose qualifications are satisfactory to the board. The owner or user shall cause the pressure vessels to be inspected in conformance with the National Board Inspection Code or API 510, as applicable.

(e) If the inspector deems a hydrostatic test shall be necessary, it shall be made by the owner or user of the boiler or pressure vessel.

(f) All boilers, other than cast iron sectional boilers, and pressure vessels to be installed in this state after the 12-month period from the date upon which the rules and regulations of the board shall become effective, shall be inspected during construction as required by the applicable rules and regulations of the board by an inspector authorized to inspect boilers and pressure vessels in this state or, if constructed outside of the state, by an inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

CREDIT(S) (Act 2000-315, p. 488, § 14.)

§ 25-12-15. Inspection report; maintenance of records; inspection certificate

(a) Each company employing special inspectors, within 30 days following each certificate inspection made by the inspectors, shall file a report of the inspection with the chief inspector upon appropriate forms as promulgated by the commissioner. The filing of reports of external inspections, other than certificate inspections, shall not be required except when the inspections disclose that the boiler or pressure vessel is in a dangerous condition.

(b) Each company operating pressure vessels covered by an owner or user inspection service meeting the requirements of subsection (a) of Section 25-12-10 shall maintain in its files an inspection record which shall list, by number and any abbreviated description necessary for identification, each pressure vessel covered by this chapter, the date of the last inspection of each pressure vessel, and the approximate date for the next inspection. The inspection record shall be available for examination by the chief inspector or his or her authorized representative during business hours.

(c) If the report filed pursuant to subsection (a) shows that a boiler or pressure vessel is found to comply with the rules and regulations of the department, the chief inspector, or his or her duly authorized representative, shall issue to the owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or pressure vessel may be operated. The inspection certificate shall be valid for not more than 14 months from its date in the case of power boilers, 26 months in the case of heating and hot water supply boilers, and 38 months in the case of pressure vessels. In the case of those boilers and pressure vessels covered by paragraphs a. to d., inclusive, of subdivision (1) of subsection (b) of Section 25-12-14, for which the board has established or extended the operating period between required inspections pursuant to the provisions of paragraphs c. and d. of subdivision (1) of subsection (b) of Section 25-12-14, the certificate shall be valid for a period of not more than two months beyond the period set by the board. Certificates for boilers shall be posted under glass, or similarly protected, in the room containing the boiler. Pressure vessel certificates shall be posted in like manner, if convenient, or filed where they will be readily accessible for examination.

(d) No inspection certificate issued for an insured boiler or pressure vessel based upon a report of a special inspector shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a company duly authorized by this state to provide the insurance.

(e) The commissioner or his or her authorized representative may at any time suspend an inspection certificate after showing cause that the boiler or pressure vessel for which it was issued cannot be operated without menace to the public safety or when the boiler or pressure vessel is found not to comply with the rules and regulations adopted pursuant to this chapter. Each suspension of an inspection certificate shall continue in effect until the boiler or pressure vessel shall conform to the rules and regulations of the department and until the reinstatement of the inspection certificate.

(f) The commissioner or his or her authorized representative may issue a written order for the temporary cessation of operation of a boiler or pressure vessel if it has been determined after inspection to be hazardous or unsafe. Operations shall not resume until the conditions are corrected to the satisfaction of the commissioner or his

or her authorized representative.
CREDIT(S) (Act 2000-315, p. 488, § 15.)

§ 25-12-16. Reinspection; payment of fees.

(a) Boilers and pressure vessels subject to operating certificate inspections by special inspectors, or owner or user inspectors, shall be inspected within 60 calendar days following the required reinspection date. Inspections not performed within this 60 calendar day period shall result in a fine of five hundred dollars (\$500) for each boiler or pressure vessel not inspected.

(b)(1) Inspection fees due on boiler and pressure vessels subject to inspection by the chief or deputy inspectors or operating certificate fees due from inspections performed by special inspectors, or owner or user inspectors, shall be paid within 60 calendar days of completion of the inspections.

(2) Inspection fees or operating certificate fees unpaid within 60 calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a month. Interest shall continue to accrue until all amounts due, including interest, are received by the commissioner.

(c) The commissioner may waive the collection of the penalties and interest assessed as provided in subsections (a) and (b) when it is reasonably determined that the delays in inspection or payment were unavoidable or due to the action or inaction of the department.

CREDIT(S) (Act 2000-315, p. 488, § 16.)

§ 25-12-17. Operation without valid inspection certificate.

After 12 months for power boilers, 24 months for low pressure steam heating, hot water heating, and hot water supply boilers, and 36 months for pressure vessels following July 1, 2001, it shall be unlawful for any person, firm, partnership, or corporation to operate in this state a boiler or pressure vessel, except a pressure vessel covered by owner or user inspection service as provided for in Section 25-12-15, without a valid inspection certificate. The operation of a boiler or pressure vessel without the inspection certificate or at a pressure exceeding that specified in the inspection certificate or in violation of this chapter shall constitute a misdemeanor.

CREDIT(S) (Act 2000-315, p. 488, § 17.)

§ 25-12-18. Disposition of fees.

The owner or user of a boiler or pressure vessel required by this chapter to be inspected by the chief inspector or his or her deputy inspector shall pay directly to the chief inspector, upon completion of inspection, fees as prescribed in rules and regulations promulgated by the commissioner. Pressure vessel certificates of inspection fees shall not exceed ten dollars (\$10) annually. The chief inspector shall transfer all fees received to a separate fund in the State Treasury to the credit of the department for its operation. All funds, pursuant to this chapter, deposited in the State Treasury shall be appropriated by the Legislature to the Commissioner of Labor pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41. All fees collected above the appropriated amount shall be transferred to the General Fund at the end of each fiscal

year.

CREDIT(S) (Act 2000-315, p. 488, § 18; Act 2009-26, p. 85, § 3.)

§ 25-12-19. Bond.

The chief inspector shall furnish a bond in the sum of five thousand dollars (\$5,000) and each of the deputy inspectors employed and paid by the state shall furnish a bond in the sum of two thousand dollars (\$2,000) conditioned upon the faithful performance of their duties and upon a true account of moneys handled by them, respectively, and the payment thereof to the proper recipient.

CREDIT(S) (Act 2000-315, p. 488, § 19.)

§ 25-12-20. Appeal and review.

(a) Any person aggrieved by an order or an act of the commissioner or the chief inspector under this chapter may, within 15 days of notice thereof, appeal from the order or act to the board which, within 30 days thereafter, shall issue an appropriate order either approving or disapproving the order or act. A copy of the order by the board shall be given to all interested parties.

(b) After any order or act of the board, any person aggrieved thereby may file a petition in the Circuit Court of Montgomery County for review pursuant to the Alabama Administrative Procedure Act.

CREDIT(S) (Act 2000-315, p. 488, § 20.)

§ 25-12-21. Preemption.

No county, municipality, or other political subdivision shall have the power to make any laws, ordinances, or resolutions providing for the construction, installation, inspection, maintenance, and repair of boilers and pressure vessels within the limits of the county, municipality, or other political subdivision.

CREDIT(S) (Act 2000-315, p. 488, § 21.)

§ 25-12-22. Sunset provision.

The Board of Boilers and Pressure Vessels shall be subject to the Alabama Sunset Law, Title 41, Chapter 20, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2004, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

CREDIT(S) (Act 2000-315, p. 488, § 22.)

Board Members



Jim Bennett
Commissioner

Alabama Department of Labor
Elevator and Boiler Safety Division
100 North Union Street, Suite 630 Montgomery, Alabama 36130
Ph 334 242-3460 Fax 334 353-4528

Hon. Robert J. Bentley,
Governor

Ralph P. Pate
Chief Inspector

March 25, 2011

Ms. Janet Berry
Department of Examiners of Public Accounts
P O Box 302251
Montgomery, Alabama 36130-2251

Dear Ms. Berry,

Listed below are the current members and officials of the Alabama Board of Boiler and Pressure Vessels:

Member	City and State	Representation	Term Expires
Dr. David Dyer, Chairman	Auburn, AL	Public/Engineering School	September 10, 2011
Hon. Jim Bennett	Montgomery, AL	Department of Labor, Commissioner	No Term Limit
Mr. Barry Latham	Tuscaloosa, AL	Boiler and Pressure Vessel Manufactures	September 10, 2011
Mr. Jerry Rhodes	Southside, AL	Owner and User/Pressure Vessels	September 10, 2012
Mr. Jeffrey Lambert	Montgomery, AL	Heating Contractors	September 10, 2012
Mr. Gene Canavan	Prattville, AL	Owners/Users of Heating Boilers	September 10, 2013
Mr Steve Speed	Jasper, AL	Boiler/Pressure Vessel Construction/Repair	September 10, 2014
Mr. Joe Pledger	Satsuma, AL	Owners and Users of Power Boilers	September 10, 2010
Mr. Jerry Godwin	Atmore, AL	Companies Licensed to Insure/Inspect Boilers and Pressure Vessels	September 10, 2013


Signature and Title

RESPONSE TO SIGNIFICANT ISSUES



ROBERT BENTLEY
GOVERNOR

**STATE OF ALABAMA
DEPARTMENT OF LABOR**

100 NORTH UNION STREET-SUITE 620
P.O. BOX 303500
MONTGOMERY, ALABAMA
ZIP 36130-3500

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JIM BENNETT
COMMISSIONER

July 13, 2011

Mr. John E. Norris
Director
Operational Division
Examiners of Public Accounts
50 North Ripley Street, Room 3201

Re: Response to Sunset Committee, Board of Boilers & Pressure Vessels

Dear John:


Please allow me to respond by mail inasmuch as our business manager has added several attachments. My office initiated the action to send all funds in the Boiler account collected above the budget appropriation ceiling (\$500,000) to the General Fund, just as we did for the Elevator Safety Inspection Program.

As you know we had to draft a bill and guide it through the Legislature in 2009 giving us authority to make the transfer of excess monies which had been earmarked for boiler inspections. We felt it was only proper and correct to do this as the state needed these extra resources.

Our business manager was aware of the need to transfer the excess funds after the bill was passed but was unaware of the November 30 annual deadline until an audit was conducted by your office. This will not be a problem in the future as she is now fully aware the deadline and we have taken corrective action.

Please let me know if you have any questions.

Best regards,


Jim Bennett
Commissioner
Alabama Dept. of Labor